REMARKS

I. General

Applicant hereby traverses the rejection of record, and requests reconsideration and withdrawal of such in light of the remarks contained herein. Claims 1-21 are pending in this application.

II. Rejection under 35 U.S.C. § 103(a)

Claims 1-21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kashiwagi et al. U.S. Patent 6,396,598 (hereinafter "Kashiwagi") in view of Dow et al. U.S. Patent 6,441,927 (hereinafter "Dow"). Applicant submits that for the reasons below, the rejection is insufficient.

Applicant respectfully asserts that Dow is not a valid prior art reference. As amended by the American Inventor's Protection Act of 1999 (the Act), signed on November 29, 1999, section 103(c) now states:

> (c) Subject matter developed by another person, which qualifies as prior art only under one or more of sub-sections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. (Emphasis added).

Section 4807 of the Act further provides that this new provision applies to any application filed on or after the date of enactment, November 29, 1999. The filing date of this application is after the effective date of the new law. See 37 C.F.R. § 1.53(d)(2).

The Examiner will note that Dow, and this application are assigned to the same entity, Hewlett Packard Company. Dow was filed before, but did not issue until after the current application's filing date. Therefore, the disclosure of Dow is available only as 35 U.S.C.

§ 102(e)-type prior art. In that regard, 35 U.S.C. § 103(c) now provides that Dow "shall not preclude patentability" of the claimed invention.

To establish a prima facie case of obviousness, three basic criteria must be met. See M.P.E.P. § 2143. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Third, the prior art reference (or references when combined) must teach or suggest all the claim limitations. Without conceding the first or second criteria, Applicant asserts that the rejection does not satisfy the third criteria.

Applicant notes that Dow is not a prior art reference. Kashiwagi is not relied upon as teaching all elements of the claimed invention. Therefore, the Applicant respectfully asserts that for the above reasons claims 1-21 are patentable over the 35 U.S.C. § 103(a) rejection of record.

III. Conclusion

For all the reasons given above, the Applicant submits that the pending claims distinguish over the prior art of record under 35 U.S.C. § 103(a). Accordingly, the Applicant submits that this application is in full condition for allowance.

Applicant respectfully requests that the Examiner call the below listed attorney if the Examiner believes that such a discussion would be helpful in resolving any remaining problems.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 08-2025, under Order No. 10003837-1 from which the undersigned is authorized to draw.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as Express Mail, Airbill No. EV568242012US in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date of Deposit: June 23, 2006

Typed Name: Lorraine Davidoff

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Respectfully submitted,

By _____
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